



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Twin Cities Field Office
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Bloomington, Minnesota 55425-1665

March 14, 2014

Mr. Bill Storm
Environmental Review Manager
Minnesota Department of Commerce
85 7th Place East, Suite 500
St. Paul Minnesota 55101

Re: Great Northern Transmission Line Project
Kittson, Roseau, Lake of the Woods, Koochiching,
Beltrami, and Itasca Counties, Minnesota
PUC Docket 12-1163
FWS Tails # 03E19000-2013-CPA-0045

Dear Mr. Storm:

Thank you for the opportunity to comment on the scoping process of the Great Northern High Voltage Transmission Line Project (GNTL). The U.S. Fish and Wildlife Service (Service) would like to provide early comments on the alignment of this route in areas that it may affect Service interest lands, threatened, endangered, or species of concern, migratory birds, and bald eagles. The following comments are being provided pursuant to the National Wildlife Refuge Administration Act, Endangered Species Act (ESA), Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and Fish and Wildlife Act of 1956.

Fish and Wildlife Service Interest Lands

The Service administers numerous tracts within the proposed routing options as part of the National Wildlife Refuge System. These tracts are comprised of Farmers Home Administration (FmHA) conservation easements and fee-title parcels of the Beltrami Wildlife Management Area associated with the Beltrami Island Land Utilization Project. A listing of tracts by county, along with associated descriptions, is enclosed.

Service-administered and managed lands are acquired for the preservation of important wildlife and their habitats, and represent one of the Service's highest conservation priorities. The Service requests that the construction and long-term use of the GNTL project avoid all Service interest lands. This includes building GNTL structures on Service lands, wires spanning Service lands, any land changes (e.g., habitat or hydrology alteration) implemented to gain access to GNTL operations, or any land use changes that may impact Service lands. The Service has provided shape files of these areas to project developers to assist in avoiding these sensitive areas, and will continue to work with project developers.

Wetland Resources

The Service recommends that impacts to streams and wetlands be avoided, and buffers surrounding these systems be preserved. Streams and wetlands provide valuable habitat for fish and wildlife, and the filtering capacity of wetlands helps to improve water quality. Naturally-vegetated buffers surrounding these systems are also important in preserving their wildlife habitat and water quality-enhancement properties. Furthermore, forested riparian systems provide important stopover habitat for birds migrating through the region. In refining and selecting project alternatives, efforts should be made to select an alternative that does not adversely impact wetlands. If no other alternative is feasible, and it is clearly demonstrated that project construction resulting in wetland disturbance or loss cannot be avoided, a wetland mitigation plan should be developed that identifies measures proposed to minimize adverse impacts and replace lost wetland habitat values and other wetland functions. The Service will continue to work with GNTL to help identify and minimize impacts to wetland resources.

Threatened and Endangered Species/Species of Concern

The proposed GNTL project spans Kittson, Roseau, Lake of the Woods, Koochiching, Beltrami, and Itasca Counties. The enclosed table shows listed, proposed or candidate species occurring in one or more of the listed counties.

Information on all of the species listed in the table, including Service recommendations for avoiding impact to these species, can be found at the above listed links. Additionally, records of the following species have been confirmed either within the proposed route or within a 1-mile buffer: Poweshiek skipperling, Sprague's pipit, colonial nesting water bird sites, native plant communities (prairie), and bald eagle nests. The Service recommends on-going coordination with the project proponent to determine if further surveys are needed to assess presence of these species of concern, as well as avoidance and minimization measures to avoid impacting these species.

Northern Long-Eared Bat

The entire state of Minnesota is within the range of the Northern long-eared bat (NLEB), and it is likely this bat will be on site during some parts of the year. NLEB experienced significant population declines recently primarily due to the fungal bat disease, white-nose syndrome. In part due to this dramatic decline, the NLEB was proposed for listing under the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) on October 2, 2013. No critical habitat has been proposed at this time. Species proposed for listing are not afforded protection under the ESA. However as soon as a listing becomes effective, the prohibition against jeopardizing its continued existence and "take" applies **regardless of an action's stage of completion.**¹

A final decision will be made within 12 months of the date that the proposal to list was published. Activities in the development of this project that could impact NLEB may include tree clearing, which would remove summer roosting, maternity, and foraging habitat. The Service recommends that these activities be conducted outside of the summer maternity season,

¹ "Take" is defined in Section 3 of the ESA as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

which runs April 1 – September 30. Guidance and recommendations from the Service on this listing are on-going. Therefore, we recommend continued coordination with our office on this issue.

Migratory Bird Trust Resources

The Migratory Bird Treaty Act (16 U.S.C. 703-712; MBTA) implements four treaties that provide for international protection of migratory birds. The MBTA prohibits taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Department of the Interior. Bald and golden eagles are afforded additional legal protection under the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d).

Unlike the Endangered Species Act, neither the MBTA nor its implementing regulations at 50 CFR Part 21, provide for permitting of “incidental take” of migratory birds. The GNTL project may impact migratory birds in several ways: by removal of active nests and by posing as a collision and electrocution risk. In order to avoid taking active nests of migratory birds, the Service recommends that tree clearing be conducted outside of the migratory bird breeding season. This season is generally April –August, but may be earlier for some species (including raptors). Eagles may begin nesting as early as February. However, eagle nests may not be removed without a permit regardless of whether the nest is inactive. The Service also recommends adherence to APLIC guidelines (Avian Powerline Interaction Committee)^{2,3} to minimize impact to migratory bird species. This may include avoiding sensitive areas (such as known migration routes and colonial bird nesting areas) and the use of bird flight diverters where lines cross areas of frequent bird use.

The Service recommends continued coordination to identify these areas and implement appropriate avoidance and minimization measures. The Service also recommends designing lines in as few places as possible (to reduce collision risk) and to use transmission structures designed to reduce for electrocution risk and nesting opportunities. Additional information on bald eagles can be found below.

Bald Eagle

Although bald and golden eagles were delisted from the Endangered Species Act on August 8, 2007, they are protected under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act (Eagle Act). The Eagle Act (1940) defines “disturb” as, “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.” The Service

² Avian Power Line Interaction Committee (APLIC). 2006. Suggested practices for raptor protection on power lines – the state of the art in 1996. Edison Electric Institute and Raptor Research Foundation, Washington DC, USA.

³ Avian Power Line Interaction Committee (APLIC). 2012. *Reducing Avian Collisions with Power Lines: The State of the Art in 2012*. Edison Electric Institute and APLIC. Washington, D.C

developed the National Bald Eagle Management Guidelines (USFWS 2007), which are intended to help landowners minimize disturbance to bald eagles.

Records indicate at least seven bald eagle nests may be located either within the proposed project corridor or within a mile buffer. Data of known bald eagle nests in Minnesota is not current; however, new nests may have been built and old nests may no longer be present. Once a route is selected, the Service recommends eagle nest surveys within 660 feet of the proposed line corridor. If eagle nests are found within the proposed right-of-way, or within areas proposed for clearing, the Service recommends the transmission line be altered to avoid these nests. Bald eagle nests may not be removed without a permit, and the applicant must first demonstrate avoidance and minimization to the fullest extent practicable. If eagle nests are found within 660 feet of the right-of-way (even if the trees are not slated for removal) an eagle disturbance permit may be recommended if disturbance to nesting eagles is anticipated.

In addition, the bald eagle is a trust resource to Native American communities and early coordination with tribal interests regarding impacts to eagles may be warranted. Due to the abundance of eagle nests within the northern portion of Minnesota, it is likely that all route alternatives will have similar impacts to bald eagles. Bald eagles may be susceptible to both collision and electrocution by transmission lines. In order to minimize these risks, the Service recommends GNTL adhere to recommendations outlined by the APLIC guidance. The Service will continue to work with GNTL project proponents to help identify risks to eagles, establish protocol for surveying eagle resource areas (nests, roosts, and foraging areas), determine appropriate avoidance and minimization measures, and to determine if eagle take permits are recommended.

Thank you for this opportunity to comment on this early stage of development of the Great Northern Transmission Line Project. The Service anticipates providing more detailed recommendations to the developer as the project proceeds regarding the above matters of concern. If you have any questions, please contact Ms. Mags Rheude at 612-725-3548, extension 2202. You may also email her at margaret_rheude@fws.gov.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Mandell".

Lisa Mandell
Acting Field Supervisor

Enclosure

cc: Neil Powers, FWS Tamarac NWR
Craig Mowry, FWS Agassiz NWR
Richard Speer, FWS Assistant Refuge Supervisor, Regional Office

Species	Status	Habitat	Guidance Documents
Canada lynx (<i>Lynx canadensis</i>)	Threatened	Northern forest	http://www.fws.gov/midwest/endangered/mammals/lynx/index.html
Canada lynx (<i>Lynx canadensis</i>)	Critical Habitat	Map of lynx critical habitat in Minnesota	http://www.fws.gov/midwest/endangered/mammals/lynx/lynxMNmapCh.html
Piping plover (<i>Charadrius melodus</i>) Northern Great Plains Breeding Population	Threatened; and Critical Habitat	Sandy beaches, islands	http://www.fws.gov/mountain-prairie/species/birds/pipingplover/
Western prairie fringed orchid (<i>Platanthera praeclara</i>)	Threatened	Wet prairies and sedge meadows	http://www.fws.gov/midwest/endangered/plants/index.html#westorchid
Poweshiek skipperling (<i>Oarisma poweshiek</i>)	Proposed as Endangered and Proposed Critical Habitat	Native prairie habitat	http://www.fws.gov/midwest/endangered/insects/posk/index.html
Dakota skipper (<i>Hesperia dacotae</i>)	Proposed as Threatened Proposed Critical Habitat - Maps	Native prairie habitat	http://www.fws.gov/midwest/endangered/insects/dask/index.html
Northern long-eared bat <i>Myotis septentrionalis</i>	Proposed as Endangered	Hibernates in caves and mines - swarming in surrounding wooded areas in autumn. Roosts and forages in upland forests during spring and summer.	http://www.fws.gov/midwest/endangered/mammals/nlba/index.html
Sprague's pipit (<i>Anthus spragueii</i>)	Candidate	Large (>350 acre) patches of grassland - prefer native grassland, but also use non-native planted grasslands.	http://www.fws.gov/midwest/endangered/lists/candidat.html#Spragues

**U.S. Fish and Wildlife Service Interests within the Proposed Great Northern
Transmission Line Corridor (All tracts are associated with the Beltrami Island Land
Utilization Project unless otherwise noted).**

County	Township/ Range	Section	Description	FWS Wildlife Refuge Oversight
Lake of the Woods	159/33	2	W1/2, SE1/4,S1/2NE	Agassiz
		3	E1/2E1/2,W1/2NW1/4	Agassiz
		4	E1/2NE1/4	Agassiz
		23	SE1/4	Agassiz
		24	NW1/4	Agassiz
	160/30	22	~277ac/DNR owned/FmHA easement administered by FWS	Agassiz
		27	~160ac/DNR owned/FmHA easement administered by FWS	Agassiz
	160/34	1	N1/2SW1/4	Agassiz
		2	N1/2SE1/4	Agassiz
		3	W1/2	Agassiz
		4	NW1/4,N1/2SW1/4	Agassiz
		11	SE1/4	Agassiz
		12	NE1/4,NE1/4SE1/4,S1/2S1/2	Agassiz
		13	E1/2E1/2,W1/2NW1/4	Agassiz
		14	S1/2,NW1/4NW1/4	Agassiz
		24	SW1/4,S1/2SE1/4	Agassiz
	161/34	34	SW1/4SE1/4,SE1/4SW1/4	Agassiz
Roseau	161/36	19	SE1/4SE1/4SE1/4	Agassiz
		20	NE1/4,SE1/4	Agassiz
		21	NW1/4,SE1/4	Agassiz
		13	SE1/4,SW1/4NW1/4,NW1/4SW1/4	Agassiz
		14	SE1/4NE1/4,NE1/4SE1/4,W1/2NE1/4,E1/2NW1/4	Agassiz
		17	N1/2,N1/2SW1/4	Agassiz
		18	NE1/4,N1/2SE1/4	Agassiz
		19	NE1/4SE1/4	Agassiz
		20	E1/2SW1/4,NW1/4SW1/4	Agassiz
		22	N1/2NE1/4	Agassiz
		23	NW1/4NW1/4	Agassiz
		24	SW1/4	Agassiz
		29	S1/2SW1/4,E1/2NE1/4,SE1/4NE1/4,NE1/4NW1/4	Agassiz
Koochiching	151/28	26	W1/2 and SE1/4 (portion) FmHA	Tamarac
		27	SE1/4 and E1/2NE1/4 (portion) FmHA	Tamarac
		34	N1/2N1/2 (portion) FmHA	Tamarac
		35	N1/2N1/2 (portion) FmHA	Tamarac